



IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Applicant : Akihiro KURODA
Serial No. : 10/507,501
Filed : 09/13/2004
For : Cosmetic Composition Exhibiting Water-Runability,
its Manufacture and Use (Amended)
Art Unit : 1617
Examiner : SOROUSH, LAYLA

Hon. Commissioner for Patents
Alexandria, Virginia 22313-1450

DECLARATION UNDER 37 CFR 1.132

S I R :

I. Hiroaki Ishii, a citizen of Japan and having a post Office address of 3-28, 5-Chome, Kotobuki-Cho, Odawara-Shi, Kanagawa-Ken, 250-0002, Japan, who declares and says that:

I graduated from the Faculty of industrial chemistry, Department of engineering of Science University of Tokyo in 1995;

I finished from the Master course at Department of engineering of Science University of Tokyo in 1997;

I have been employed by KANEBO, LIMITED (presently, Kanebo COSMETICS INC.) in 1997 and engaged in research and development on the field of cosmetics as of today;

I am presently in charge of development of cosmetic formulation at the Cosmetics Laboratory of the company;

I understand the English language, and studied the Official Action dated August 29, 2007 and Advisory Action dated January

9, 2008 received in said application, and in order to prove that the present invention is not obvious over the references cited by the Examiner, the following experiments were carried out under my supervision.

II. Experiments

The respective components were weighed and mixed together according to the compositions for Example A and Comparative Examples A to C shown in the following Table I. In Table I, the amounts of the respective components are given by parts by weight. The resultant cosmetic compositions were evaluated for their water-runability and utilizability on skin according to the evaluation methods disclosed in the specification of said application except for five expert panelists were assigned for evaluation of utilizability on skin (page 26, line 21 to 27, line 28). The results are shown in Table I. For comparison, Example 1 and Comparative Examples 2 to 5 disclosed in the specification of the application are also shown in Table 1.

The numerical values surrounded by rectangles are outside the scope of the present invention in terms of type or amount of the component.

TABLE 1.

	Ex. 1	Com. Ex. 2	Com. Ex. 3	Com. Ex. 4	Com. Ex. 5	Ex. A	Com. Ex. A	Com. Ex. B	Com. Ex. C
(A) Octyl paramethoxycinnamate	10	10	10	10	10	10	10	10	10
methylphenylpolysiloxane	4	35	4	4	4	17	4	4	17
(B) Silicone elastomer spherical powder crushed paste	4	4	0	25	4	4	4	4	4
(C) Solution of trifluoropropyl-modified trimethylsiloxy silicate 50% by weight in cyclic silicone (pentamer)	1	1	0	1	20	1	1	1	
Solution of trimethylsiloxy silicate 50% by weight in cyclic silicone (pentamer)									1
(D) Decamethylcyclopentasiloxane	26	5	26	26	26	26	26	26	26
Branched tetramer of methylsiloxane	10	0	10	10	10	2	10	10	2
Ethyl alcohol	3	3	3	3	3	3	3	3	3
(E) Dispersion of octylsilylated fine particle titanium oxide - 50% by weight of decamethylcyclopentasiloxane	8	8	8	8	8	8	8	8	8
Octylsilylated fine particle zinc oxide	15	15	15	15	15	10	0	30	10
(F) Highly polymerized dimethylpolysiloxane	1	1	1	1	1	1	1	1	1
(G) 1,3-Butylene glycol	5	5	5	5	5	5	5	5	5
Purified water	remainder	remainder	remainder	remainder	remainder	remainder	remainder	remainder	remainder
Evaluation of water-runability	Present	Weak	Weak	Weak	Present	Present	Not present	Not present	Weak
Water-runability	Not present	—	Present	Present	Present	Not present	—	—	Present
Temperature dependency of water-runability	50	23	29	25	50	50	24	46	34
Evaluation of utilizability on skin	50	38	37	34	50	46	17	42	36
Water easily flows down from the skin	46	10	42	36	10	40	39	15	40
Excellent in feeling									

III. Conclusion

As shown in Table I, Example 1 and Example A according to the present cosmetic composition showed excellent performance in water runability and utilizability on skin.

On the other hand, Comparative Example 2, an example where component (A) and (D) were increased to the outside of the range defined in the present cosmetic composition, showed weak water-runability and poor durability, and there was strong oily feeling when applied to a skin.

Comparative Example 3, an example where component (B) and (C) were not formulated, showed weak water-runability and poor durability. Also, Comparative Example 3 showed temperature dependency of water-runability.

Comparative Example 4, an example where component (B) was increased to the outside of the range defined in the present cosmetic composition, showed weak water-runability and poor durability. Also, Comparative Example 4 showed temperature dependency of water-runability.

Comparative Example 5, an example where component (C) was increased to the outside of the range defined in the present cosmetic composition, had problems that the feeling was bad and that the cosmetic could not be taken off with a conventional cleansing agent. Also, Comparative Example 5 showed temperature dependency of water-runability.

Comparative Example A, an example where component (E) was decreased to the outside of the range defined in the present cosmetic composition, showed no water-runability and poor durability.

Comparative Example B, an example where component (E) was increased to the outside of the range defined in the present cosmetic composition, showed no water-runability. Also, Comparative Example B had problems that the feeling was bad.

Comparative Example C, an example where timethyl

siloxysilicate is used, showed weak water-runability and poor durability. In Comparative Example C, temperature dependency of water-runability appeared.

It is clear from the data that formulating specific components in specific amounts is important for imparting a performance of water-runability without temperature dependency to a cosmetic composition. Such performance imparts excellent durability to the present cosmetic composition which I believe could never be expected from the description of the references cited by the Examiner.

IV. I further declare that all statements made herein of my own knowledge are true and that all statements made in information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 2.18.2008

Hiroaki Ishii
Hiroaki Ishii